

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

24 HOUR FITNESS USA, INC.,)	
)	
Plaintiff,)	8:11CV417
)	
vs.)	ORDER
)	
JOANN BENAK,)	
)	
Defendant.)	

This matter is before the court on the plaintiff's Notice of Order Re: Special Master's Report and Recommendation Issued by Judge Samuel Conti of the United States District Court for the Northern District of California ([Filing No. 16](#)). The plaintiff filed the order attached to the notice. **See Filing No. 16-1.**

In this case the complaint, a petition to compel arbitration, was filed on December 8, 2011. **See** [Filing No. 1](#). On June 20, 2012, the defendant filed an answer opposing the relief sought and asking the court to dismiss the action. **See** [Filing No. 12](#). According to the defendant, this matter is related to an action filed in the Northern District of California where the defendant and approximately 900 others sought relief in a collective action pursuant to the Fair Labor Standards Act. Following the court's decertification of the collective action, the defendant and many others filed individual petitions against 24 Hour Fitness in the Northern District of California. In turn, the plaintiff filed this action and approximately 300 others in jurisdictions across the county. On July 5, 2012, United States District Judge for the Northern District of California Samuel Conti entered an order enjoining 24 Hour Fitness "from further prosecuting or filing any out-of-district Petitions to Compel Arbitration against any of the 983 individuals who presented demands for arbitration before JAMS in San Francisco." **See** [Filing No. 16-1](#) - Order p. 36. The order further provided that a group of 16 arbitrations would occur while the remaining matters were stayed to await scheduling. ***Id.*** In light of Judge Conti's order,

IT IS ORDERED:

1. The case shall be stayed until further order of the court.
2. Counsel shall file a joint status report concerning the status of this case on **November 1, 2012, and every 90 days thereafter**, such report to include counsel's position(s) concerning whether the stay should continue in effect or whether the stay should be lifted.

Dated this 13th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge